

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

In the drawings

Revised Figs. 7-15 and 21 are shown in the "Replacement Sheets" of drawing appended herewith. Figs. 7-12 have been corrected to include the legend "Prior Art," and Fig. 21 has been corrected to include reference numerals 55 and 56. Withdrawal of the objection is therefore respectfully requested. Figs. 13-15 have been amended to separately identify the side-plates 41 as a side plate 41a and a side plate 41b.

Objections to the specification

The specification has been amended to more clearly state features of the present invention identified in the original specification and drawings. No new matter is added.

Rejection of claim 1 under 35 U.S.C. § 103(a)

Claim 1 presently stands rejected as being unpatentable over Lee (U.S. 5,611,103) in view of Maiocco (U.S. 4,308,635). This rejection is respectfully traversed for the following reasons.

Claim 1 has been amended to more particularly define the present invention. In particular, claim 1 is amended to more clearly describe that the first and second elastic pads are located adjacent to the retaining hole and a position between the pin hole and locking slot, respectively, and that the elastic pads extend above the connection portion in an un-flexed position.

It is respectfully submitted that the combination of Lee and Maiocco fails to disclose or suggest first and second elastic pads set forth in claim 1 of the present invention.

To establish a prima facie case of obviousness, three basic criteria must be met. First, *there must be some suggestion or motivation*, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest *all the claim limitations*. MPEP 2143. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The examiner correctly notes that “Lee fails to disclose a first elastic pad located on one side of the retaining hole, and a second elastic pad located on the side plate above the pinhole and locking slot.” The examiner turns to Maiocco for a teaching of elastic pads. However, Maiocco does not provide any teaching or suggestion of the claimed arrangement of a first elastic pad located on one side of the retaining hole, and a second elastic pad located on the side plate above the pinhole and locking slot. Furthermore, there is no teaching or suggestion of any elastic pads extending above the connection portion in an un-flexed condition.

With reference to Maiocco's Fig. 2 and 6, it can be recognized that tabs or “lips” 24 are formed *cooperatively in opposition to one another*, on opposing side walls. Stated differently, “two lateral walls [are] provided with a pair of *opposite detents* acting as a spring in a direction substantially perpendicular to said lateral walls and projecting towards the interior of said tubular portion” (Maiocco, col. 1, lines 46-50) (emphasis added). The detents are formed on free end portions of the lips 24 (Maiocco, col. 2, lines 42-43). “The detents of the lateral walls are capable of snapping into the lateral openings of [a] connecting part of the wiper arm” (Maiocco, col. 1, lines 50-52).

In the present invention, the first and second elastic pads are not located opposite one another. In fact, with reference to Fig. 15 of the present application, it can be seen that the first and second elastic pads may be located on *a same one of the side plates*. Thus, it is clear that there is no cooperation of the first and second elastic pads to grip or

hold a connecting part of a wiper arm there-between. As expressed by claim 1 of the present invention, the first and second elastic pads are located apart from one another *along the length* of the connection device, with one of the elastic pads being located beside the connection hole, and the other of the elastic pads being located at a position between the pin hole and the locking hole.

Clearly, Maiocco relies on the opposed arrangement of the tabs or “lips” 24 to cooperatively snap into lateral openings of a connecting part of a wiper blade. Thus, it can be recognized that to reposition Maiocco’s lips 24 out of opposition with one another would defeat this function of Maiocco’s lips 24. Therefore, there can be no suggestion or motivation derived from Maiocco to arrange first and second elastic pads in the manner of the present invention.

Furthermore, there is no teaching or suggestion by Maiocco that the “lips” extend above a connection portion in an un-flexed condition. Maiocco’s lips 24 are flexed inward towards the interior of the tubular portion of Maiocco’s device. The elastic pads of the present invention, however, *extend above* the connection portion, and *flex downward* when a hook-type windshield wiper connector is engaged with the connection device of the present invention.

For at least these reasons, Maiocco fails to disclose or suggest the claimed structure and position of the first and second elastic pads. Accordingly, the combination of Maiocco and Lee cannot establish a prima facie case of obviousness of claim 1, and therefore it is respectfully submitted that claim 1 is allowable over the cited references. Withdrawal of the rejection is respectfully requested.

### Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claim 1 be allowed and the application be passed to issue.

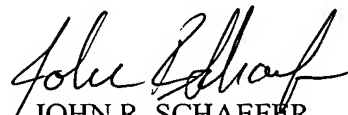
Application No.: 10/699,840  
Examiner: Daniel J. Mills  
Art Unit: 3679

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

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